

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| UNITED STATES OF AMERICA, | : | CASE NO. 3:19CR171 |
| v. | : | PROTECTIVE ORDER GOVERNING |
| NATHAN GODDARD, ET Al., | : | DISCOVERY |
| Defendants. | : | |

WHEREAS, the government will provide information and material to the defendants in the course of this case (“Discovery Information”), which may include interviews, reports, audio recordings, photographs, writings, or other discovery materials relating to the case;

AND WHEREAS, the parties agree that the government has a compelling interest in preventing the Discovery Information from being disclosed to anyone not a party to these judicial proceedings because such material may include information relevant to ongoing investigations and prosecutions, and such material may implicate the privacy interests of the defendants and third parties;

AND WHEREAS, the parties further agree that the Court has the authority under Fed. R. Crim. P. 16(d)(1) and 26.2 to grant appropriate relief to the parties where required in the interests of justice;

IT IS HEREBY STIPULATED that:

1. Discovery Information shall not be disseminated by the defendants, or defendants’ counsel of record, to any individuals, organizations, or other entities, other than: (i) members of each defendant’s defense team (co-counsel, paralegals, investigators, translators, litigation support

personnel, the defendants (subject to paragraph 4, below), appellate and post-conviction counsel, and other defense staff); (ii) experts retained to assist in the preparation of the defense; and (iii) with respect to any individuals, organizations, or other entities not covered in subsections (i) and (ii) of this paragraph, with the express concurrence of the government.¹

2. No Discovery Information shall be disseminated to any member of a defendant's defense team or appellate or post-conviction counsel (including defense-retained expert witnesses), unless that person first signs the attached Acknowledgment. *See* Attachment A (an agreement to comply with the terms of this Protective Order). The signed Acknowledgment shall be retained by the counsel of record and shall be made available to the Court upon request, and to the government upon reasonable request. The substitution, departure, or removal of counsel for the defendants, or anyone associated with a defendant's defense team, for any reason, shall not release that person from the provisions of this Protective Order, or the Acknowledgement executed in connection with this Protective Order.

3. Defense counsel shall advise any person to whom the Discovery Information is disclosed in accordance with this Protective Order that further disclosure, or dissemination, is prohibited without the defense counsel's express consent, and any disclosure, or dissemination, must comply with the terms of this Protective Order. Each of the individuals to whom disclosure is made pursuant to this provision shall be provided a copy of this Protective Order.

4. Discovery Information shall not be given to the defendants to maintain, and the defendants shall not be permitted to make notes of the content of the Discovery Information, and

¹ "Disseminated" means to have provided, showed, or described to another individual any Discovery Information, including parts thereof, quotations, excerpts, and summaries derived therefrom.

shall not keep such notes with them, or disperse such notes, or the contents thereof, to anyone other than individuals authorized to review Discovery Information in accordance with this Protective Order.

5. Defense counsel shall store all Discovery Information, and any copies thereof, in a secure place at all times.

6. Discovery Information that is the property of the government at the time of dissemination remains the property of the government notwithstanding the dissemination. At the conclusion of this case, all Discovery Information that is the property of the government shall be returned to the government or, with the consent of the government, destroyed. The conclusion of the case shall be when the judgment of conviction (or other case-concluding judgment) becomes final (such finality to be determined in consistent fashion as with respect to 28 U.S.C. § 2255(f)(1)).

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7. Nothing in this Protective Order shall preclude the government, or the defendants, from seeking additional protective orders pursuant to Rule 16(d), or other rules or statutes, as to particular items of discovery. This Protective Order is entered without prejudice to either party's right to seek a revision of the Order by appropriate motion to the Court.

SO STIPULATED.

DAVID M. DeVILLERS
United States Attorney

s/Tamara S. Sack
TAMARA S. SACK
DONALD J. MALARCIK

Attorneys for Defendant Goddard

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DENNIS A. LIEBERMAN
JAMES M. CALHOUN II

Attorneys for Defendant Cortner

s/James P. Fleisher
JAMES P. FLEISHER

Attorney for Defendant Combs

SO ORDERED.

DATED: December 31, 2019

*s/Thomas M. Rose
HON. THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Appendix A

ACKNOWLEDGMENT

The undersigned hereby acknowledges that he/she has read the Protective Order entered in the United States District Court for the Southern District of Ohio in the case *United States v. Nathan Goddard et al.*, Criminal No. 3:19-cr-171. The undersigned individual understands the terms of the Protective Order and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned individual agrees not to use, or disclose, any information or material made available to him or her other than in strict compliance with the Protective Order. The undersigned individual acknowledges that his or her duties under the Protective Order shall survive the termination of this case and the terms permanently remain binding on the individual. The individual's failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.

DATED: _____

BY:

(type or print name)

SIGNED:
